

REMARKS

Applicant appreciates the thorough review of the present application as reflected in the Official Action mailed January 25, 2005. Applicant has amended Claims 2, 9, 12, 19 and 29 to correct the typographic errors identified in the Official Action.

The Previous IDS

Applicant appreciates the return of an initialed copy of the PTO-1449 form with the Official Action. Applicant notes that one page (the search results page) of the published reference GB2341955A appears to have been inadvertently omitted from the copy provided to the USPTO. Applicant provides a copy of this page attached to the present response to assure that the record is complete.

The Claim Objections

Claims 2 and 12 have been objected to as not including a period. Claims 9, 19 and 29 have been objected to as including a typographic error. Applicant has amended Claims 2, 12, 19 and 29 as suggested by the Examiner and, therefore, submits that the objections to the claims have been overcome.

The Section 101 Rejections

Claims 1-5, 10, 11-15, 20, 21-25 and 30 stand rejected under 35 U.S.C. § 101 as not directed to statutory subject matter. Official Action, pp. 2-3. While Applicant does not concur in the propriety of the rejection, Applicant has amended the independent claims to recite streaming the related messages and the unrelated messages to provide pseudo-network traffic or corresponding system and computer program product recitations. Accordingly, Applicants submit that the claims provide a tangible result and are directed to statutory subject matter.

The Section 112 Rejections

Claims 1-30 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Official Action, p. 3. In particular, the Official Action asserts that it is unclear what patent protection is sought because claims 1-3, 11-13 and 21-23 "encompass every conceivable method

of filtering simulated network traffic using Ramsey numbers that produce related and unrelated messages." Official Action, p. 4. Applicant submits that the Examiner has correctly interpreted Claims 1-3, 11-13 and 21-23 and, in fact, Applicant is claiming every conceivable method of filtering simulated network traffic using Ramsey numbers. There is noting indefinite about these claims.

Applicant has clearly described techniques for using Ramsey numbers in filtering simulated network traffic as acknowledged in the Official Action. Applicant is not limited to the particular techniques described in the specification but is entitled to claim any use of Ramsey numbers in filtering network traffic as recited in the claims. Accordingly, Applicant submits that the claims are not indefinite as Claims 1-3, 11-13 and 21-23 are not limited to particular ways of using Ramsey numbers to filter network traffic but include any way of using Ramsey numbers to filter network traffic. Accordingly, Applicant requests withdrawal of the rejections of Claims 1-3, 11-13 and 21-23 based on 35 U.S.C. § 112, second paragraph.

Claims 10, 20 and 30 are rejected for the same reasons as Claims 1, 11 and 21. Official Action, p. 4. Applicant submits, however, that these claims clearly define the Ramsey numbers that are used. As such, Applicant submits that Claims 10, 20 and 30 are not indefinite.

Claims 3, 13 and 23 are rejected because of the use of the language a "predefined number comprises a clique" and "predefined number comprises a set." Official Action, p. 4. Applicant has amended these claims to expressly recite that the number is the predefined number of related messages and the predefined number of unrelated messages. Accordingly, Applicant submits that the rejection of Claims 3, 13 and 23 has been overcome.

Claims 4, 14 and 24 are rejected as indefinite, stating that the specification does not make clear how a bundle of messages would relate to a known Ramsey number. Official Action, p. 5. Applicant submits that the specification clearly indicates how a property of a bundle of messages may correspond to a known Ramsey number. In particular, at page 9, lines 19-21, the Specification states that "message bundles of size $R(m,n)$ can be generated and evaluated." Thus, Applicant submits that the size of the message bundles may correspond to the known Ramsey number, as described in the Specification. Accordingly, Applicant submits that Claims 4, 14 and 24 are not indefinite.

Claims 5, 15 and 25 are rejected based on the same rationale as Claims 4, 14 and 24 and, therefore, Applicant submits that Claims 5, 15 and 25 are not indefinite for reasons analogous to those discussed above with reference to Claims 4, 14 and 24.

Claims 8, 18 and 28 are rejected as indefinite because of the use of the term "non-linear function." Official Action, p. 5. Applicant submits that the term non-linear function in the context of generating simulated network traffic is well known to those of ordinary skill in the art and, therefore, is not indefinite. In any event, as the Examiner's interpretation of Claims 8, 18 and 28 ignores the recitations of the claims that non-linear functions used in generating the simulated network traffic are modified based on an analysis of whether the generated traffic is providing the m related messages and the n unrelated messages. Applicant is not claiming to have invented the known techniques but is claiming how those known techniques are modified in light of the use of Ramsey numbers as recited in the claims.

The Obviousness Rejections

Claims 1-30 stand rejected under 35 U.S.C. § 103 as obvious in light of United States Patent No. 6,278,966 to Howard *et al.* (hereinafter "Howard"). Official Action, p. 7. While Applicant submits that the use of Ramsey numbers in generating simulated network traffic as recited in Claims 1-30 is not disclosed or suggested by Howard, Applicant notes that Howard issued on August 21, 2001 and the present application was filed July 23, 2001. Accordingly, Howard qualifies as prior art under 35 U.S.C. § 102(e). However, both Howard and the present application are assigned to International Business Machines, Corporation. Accordingly, Applicant submits that, pursuant to 35 U.S.C. § 103(c), Howard is not prior art for obviousness purposes. Accordingly, Applicant request withdrawal of the obviousness rejection based on Howard.

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Conclusion

In light of the above discussion, Applicant submits that the present application is in condition for allowance, which action is respectfully requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (919) 854-1400.

Respectfully submitted,



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